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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/731,496

12/09/2003

David Camp

44501-00046 USPT

4603

7590

05/23/2006

David Camp
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Cypress, TX 77429

EXAMINER

COY, NICOLE A

ART UNIT

PAPER NUMBER

3672

DATE MAILED: 05/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/731,496

Applicant(s)

CAMP, DAVID

Examiner

Nicole Coy

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 1/12/06 have been fully considered but they are not persuasive. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., that the orienter detail is depicted to provide rotation to the rotatable house of the orienter only) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).
2. Applicant should submit an argument under the heading "Remarks" pointing out disagreements with the examiner's contentions. Applicant must also discuss the references applied against the claims, explaining how the claims avoid the references or distinguish from them. Please note: the Applicant has not addressed the rejections of claims 6-15.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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4. Claims 1-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Williams et al. (USP 5,738,178). Note figures 1, 2, and 4.

With regard to claim 1, Williams et al. discloses an orienter (16) for use in a drilling tool assembly, whereby said drilling tool assembly comprises of a steering system means, drilling motor means, orienter means, and drill bit means and said orienter comprising a means for connecting to the output end of said drilling motor (18), the drilling motor including a drive shaft (20) for transmitting rotary power and connecting to drive shaft of orienter (20); a clutch mechanism (130) located within orienter constructed and arranged for transmitting rotary power from the drive shaft (20) when actuated; a rotatable housing, located with oreienter, including a bent portion (28); a speed reduction system (column 9 lines 12-15) located between the clutch mechanism (130) and the rotatable housing (28), whereby when the clutch mechanism is actuated, rotary power from the drive shaft is transmitted through the clutch mechanism, through the speed reduction system, to rotate the rotatable housing; and said drive shaft (20) of orienter (16) connected to said drill bit (22) to delivery output rotary power.

With regard to claim 2, the reference discloses the orienter (116) further including a means for rotating the bent portion (28) to a predetermined position.

With regard to claim 3, the reference discloses the orienter (116) wherein the clutch mechanism (130) is a mechanical clutch which transmits torque using physical contact of surfaces. See column 8 lines 53-58.

With regard to claim 4, the reference discloses, the orienter (116) further including a means for transmitting information (46) describing the clock face position of the rotatable housing (28). See column 9 lines 29-30.

With regards to claim 5, the reference discloses a steering guidance system means (46) within the rotatable housing (28). See column 7 lines 4-8.

With regard to claim 6, the reference discloses a system (14) comprising: a drilling tool assembly (116) constructed and arranged for mounting to the end of a length of coiled tubing (10); means for storing the coiled tubing (10) and causing the coiling tubing (10) to move through the borehole (see figure 1); the drilling tool assembly (116) comprising: a drill motor (18) constructed and arranged for mounting to the end of said coiled tubing (10); a rotating drill bit (22) constructed and arranged to receive rotation torque from a drive shaft (20) connected to the drill motor (18), the drill motor (18) producing torque in response to flow of drilling fluid through the coiled tubing (10); an orienter (28) located between the drill motor (18) and the rotating drill bit (22), the orienter (116) having a rotatable housing (28) constructed and arranged to enclose the drive shaft (20); the rotatable housing (28) including a fixed bend constructed and arranged to cause the rotating drill bit (22) to create and arcuate borehole in a direction determined by the orientation of the fixed bend; and the orienter (28) being further constructed and arranged to orient the fixed bend in response to a signal transmitted from the earth's surface (42, 44, 46).

With regard to claim 7, the reference discloses a downhole tool system comprising: a bit (22) for drilling the bore hole when rotated; a hydraulically driven motor

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(18) including a drive shaft (20) for rotating the bit in response to hydraulic fluid being pumped through the motor; an orienter (28) located between the bit (22) and the motor (18), the orienter (28) including a rotatable housing with a fixed bend; and means (32, 50) for selectively transmitting torque from the drive shaft (20) to the rotatable housing (28).

With regard to claim 8, the reference discloses a rotatable housing (28) which includes: an upper section adjacent to the motor (18) on one side of the fixed bend; and a lower section adjacent to the bit (22) on the opposite side of the fixed bend.

With regard to claim 9, the reference is capable of performing the steps of: progressively moving, by means of a continuous length of coillable tubing (10), a drilling tool assembly, the drilling tool assembly including a rotating drill bit (22), the rotating drill bit being positioned adjacent to an orienter including a rotatable housing with a fixed bend (28); causing the rotatable housing with a fixed bend to rotate for forming a straight section of said borehole; causing said rotatable housing to remain stationary for forming an arcuate portion of said borehole; periodically determining the orientation of said fixed bend.

With regard to claim 10, the reference is capable of performing the steps of claim 9 wherein the rotating drill bit (22) is drive by a hydraulic motor (18) using fluid pumped through the continuous length of coiled tubing (10).

With regard to claim 11, the reference is capable of performing the steps of claim 9 wherein the orientation of the fixed bend is electrically sensed during drilling operations (42, 44, 46).

With regard to claim 12, the reference is capable of performing the steps of claim 9 with the limitations of claim 10 wherein the fixed bend portion (28) of the rotatable housing is rotated to a predetermined position by the drilling motor.

With regard to claim 13, the reference is capable of performing the steps of: inserting a drilling tooling means through the earth's surface into the subterranean environment; pumping fluid media to said drilling tooling means through a continuous length of tubing (10) connected to said tooling means; inserting communication means through said continuous length of tubing to said drilling tooling means; dividing said drilling tooling means into a rotatable and non-rotatable section, said rotatable section of said drilling tooling means including; a bit (22) for forming the bore hole when rotated; means for orienting (116) the drilling tooling means, the means for orienting the drilling tooling means including a fixed bend (28) for causing the bit (22) to bore an arcuate bore hole in the direction determined by the position of the fixed bend (28); the means for orienting (116) the drilling tooling means further including means for selectively positioning said fixed bend in response to a signal transmitted from the earth's surface through said communications means, to guide the bit (22) along the predetermined path (42, 44, 46); the non-rotatable section of said drilling tooling means including a motor (18) for rotating said bit.

With regard to claim 14, the reference is capable of performing the steps of claim 13 wherein the means for orienting the drilling tool means further includes a clutch mechanism (130) for providing torque to the rotatable section (28).

With regard to claim 15, the reference is capable of performing the steps of claim 13 further including the step of transmitting the position of the drilling means to the earth's surface (42, 44, 46).

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

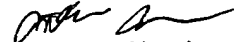
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicole Coy whose telephone number is 571-272-5405. The examiner can normally be reached on M-F 8:00-5:30, 1st F off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bagnell can be reached on 571-272-6999. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

nac


William Neuder
Primary Examiner